

Frequently Asked Questions

1. How is the Mine Safety Review Commission (MSRC) involved in mine safety?

The Mine Safety Review Commission is an administrative agency whose purpose is to conduct hearings concerning mine safety laws. Commission members have a judicial function established by State law to hear the charges and defenses to allegations of mine safety laws. MSRC commission members, issue Orders, conduct formal hearings and make final determinations in cases involving violations of State mine safety laws.

*The mine safety allegations are made by the Kentucky Department of Mines and Minerals in a formal document called a Complaint. The Kentucky Department of Mines and Minerals prosecutes cases as an **independent agency** separate and distinct from the MSRC.*

2. I have knowledge of mine safety violations, how can I file a complaint?

The general counsel of the Kentucky Department of Mines and Minerals files complaints for the Commission's review. If you believe you have knowledge of the violation of mine safety laws, please contact:

Tony Oppegard, General Counsel
Kentucky Dept. of Mines & Minerals
1025 Capital Center Drive
P.O. Box 2244
Frankfort, KY 40602
office: 502/573-0146, x236
FAX: 502/573-0152
cell: 859/333-8529
Tony.Oppegard@ky.gov

So that fair and impartial determinations regarding alleged violations can be made the members of the Commission must respectfully request that you do not contact commission members to discuss the details of ANY case.

2. I've been served with a Complaint by KDMM, do I have to hire an attorney?

No, there is no requirement that you hire an attorney. You may choose to hire an attorney to represent you, or you may appear "pro se",

that is without counsel. The United States Constitution and the Kentucky Constitution guarantee that you will have a fair and impartial hearing. **All defendants will be given the opportunity to be heard in a fair and impartial hearing and will be treated at all times with respect.**

3. How can I settle my case?

The Kentucky Department of Mines and Minerals prosecutes all cases before the MSRC. Contact Tony Oppegard, general counsel for KDMM, if you would like to discuss a possible settlement. **Please do not contact the members of the Commission to discuss settlement terms.**

4. If I am found guilty, what is the range of penalties?

The range of penalties is set out in the Kentucky Revised Statutes and Kentucky Administrative Register. Links to those laws and regulations are included on this web site on another page. Typical penalties Ordered by the MSRC may place a miner's license or the miner's certification on probation, or it may suspend or revoke a license for a period of time commensurate with the violation(s).

5. How can I find out if the Commission has heard other cases like mine? Can I see the results of the other cases?

Yes, many of the **recent cases are on this web site**. When a case is settled, or a hearing held, a Final Order is issued. Once the time for an appeal of a Final Order has run, the Commission will release it to the public pursuant to the Kentucky open records law.

If you want the MSRC to send you a copy of a Final Order you may write or FAX a request to the MSRC stating the type of information you need. The Commission has three (3) business days to respond to your request and will charge a nominal fee of twelve cents (12 ¢) per page.

Send your Open Records requests to:
Mine Safety Review Commission
132 Brighton Park Blvd.
Frankfort KY 40601
Attn: Bryon Alan Thompson, General Counsel
FAX 502 / 573 - 0344